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10/566,922	01/30/2006	Alexandra Musto	117393-003	1172
29177 7590 11/25/2008 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
SHEDRICK, CHARLES TERRELL				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,922

Applicant(s)

MUSTO, ALEXANDRA

Examiner

CHARLES SHEDRICK

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/1/08 have been fully considered but they are not persuasive.

1. Applicant's First Argument:

Applicant argues that Martensson does not disclose, teach, or suggest at least the limitations of "evaluating the first duration in relation to the second duration; and switching the device to an operating mode only if the first duration is greater than the second duration by at least a predefined period of time" as currently recited in independent claim 5.

- a. The Examiner respectfully disagrees. Martensson discloses that "evaluating the first duration in relation to the second duration; and switching the device to an operating mode only if the first duration is greater than the second duration by at least a predefined period of time" as currently recited in independent claim 5 is known. Consider at least col. 2 line 67- col. 3 line 13 where Martensson discloses that Alternatively a time limitation may be included so that the keyboard lock is enabled only if the ON/OFF key is depressed within a predetermined time interval, e.g. 2 or 5 seconds, after depression of the # key. Instead of sequential keystrokes, the keyboard lock may be enabled if the two keys are actuated simultaneously or if the second key is actuated while the first key is held depressed...

2. Applicant's Second Argument:

Applicant argues that Similarly, Martensson does not disclose, teach, or suggest at least the limitations of "evaluating the first duration in relation to the second duration," wherein a third duration is defined by the first duration and the second duration, the third duration representing the function key alone being pressed; and activating an associated function if the third duration exceeds a predefined period of time" as currently recited in independent claim 7. Therefore, Martensson does not disclose, teach, or suggest all of the limitations of independent claims 5 and 7.

- a. The Examiner respectfully disagrees. Martensson discloses in at least col. 5 line 58 - col. 6 line 17 In view of the foregoing description it will be evident to a person skilled in the art that various modifications may be made within the scope of the present invention. For example, any suitable pair of keys may be selected to enable the keyboard lock, but of course these keys should not be required to be actuated together or in immediate succession during normal operation of the telephone. Furthermore any order of key depressions may be employed to enable the keyboard lock, as desired. For example the two keys may be pressed simultaneously, and/or successively or the first key may have to be held down while the second key is subsequently depressed. Also, in the successive keystroke mode a time-out facility maybe adopted whereby the keyboard lock is enabled or disabled (as appropriate) only if the second keystroke is performed within a predetermined time interval, e.g. 2 seconds or 5 seconds, of the first keystroke Moreover, in some circumstances, e.g. to further reduce the risk of accidental actuation, it may be arranged that more than two keys have to be actuated in a

predetermined order in order to set the keyboard lock. Finally, it has to be noted that it is not necessary for the keyboard lock to be implemented under microprocessor control. Instead, conventional logic circuitry may be employed capable of recognising the occurrence of the predetermined sequence of keystrokes and affecting disablement of the remaining keys in response thereto.

3. Applicant's Third Argument:

Applicant argues that Martensson does not disclose, teach, or suggest at least the limitation of "canceling the lock function when a second duration of pressing the unlock key exceeds the predefined period and no other key is pressed during the second duration within the predefined period" as currently recited in independent claim 6.

- a. However, the Examiner respectfully disagrees. Martensson discloses in at least col. 5 line 58 - col. 6 line 17 In view of the foregoing description it will be evident to a person skilled in the art that various modifications may be made within the scope of the present invention. For example, any suitable pair of keys may be selected to enable the keyboard lock, but of course these keys should not be required to be actuated together or in immediate succession during normal operation of the telephone. Furthermore any order of key depressions may be employed to enable the keyboard lock, as desired. For example the two keys may be pressed simultaneously, and/or successively or the first key may have to be held down while the second key is subsequently depressed. Also, in the successive keystroke mode a time-out facility maybe adopted whereby the keyboard lock is enabled or disabled (as appropriate) only if the second

keystroke is performed within a predetermined time interval, e.g. 2 seconds or 5 seconds, of the first keystroke Moreover, in some circumstances, e.g. to further reduce the risk of accidental actuation, it may be arranged that more than two keys have to be actuated in a predetermined order in order to set the keyboard lock.

4. **Regarding Applicant's Fourth Argument:**

Accordingly, Martensson does teach all of the limitations of independent claims 5-7. Dependent claim 8 depends from independent claim 7, and the Office Action relies on Martensson as the only basis of rejection for this claim. Accordingly, The Examiner respectfully submits that claim 8 is not allowable over Martensson.

5. **Regarding Applicant's Fifth Argument:**

Applicant's arguments with respect to claim 9-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Martensson US Patent No.: 5,214,583

Consider **Claim 5**, Martensson teaches a method for protecting a mobile radio device against an unintended operating mode, comprising: storing a first duration of a pressing of a

power-on/of key wherein no additional key is pressed during the first duration (e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); storing a second duration of a pressing of at least one additional key, wherein the power- on/off key and the at least one additional key are pressed concurrently(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); evaluating the first duration pressed in relation to the second duration and switching the device to an operating mode only if the first duration is greater than the second duration by at least a predefined period of time(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17).

Consider **Claim 6**, Martensson teaches a method for protecting a mobile radio device against unintended cancellation of a lock function, comprising: enabling the lock function (e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); maintaining the lock function when a first duration of pressing an unlock key exceeds a predefined period and another key is pressed during the first duration within the predefined period; (e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); and canceling the lock function when a second duration of pressing the unlock key exceeds the predefined period and no other key is pressed during the second duration within the predefined period(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17).

Consider **Claim 7**, Martensson teaches A method for protecting a mobile radio device against unintended activation of a function key, comprising: storing a first duration of pressing a function key and a second duration of a concurrent pressing of an additional key(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); evaluating the first duration in relation to the second duration, wherein a third duration is defined by the first duration and the

second duration(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17), the third duration representing the function key alone being pressed and activating an associated function if the third duration exceeds a predefined period of time(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17).

Consider **claim 8** and as applied to **claim 7**, Martensson teaches wherein the method for protecting the mobile device is performed as an option in a menu (col. 4 lines 20-45).

Consider **Claim 9**, Martensson teaches a method for protecting a mobile radio device against an unintended activating of a function, the mobile device comprising a first key and a second key, comprising: switching on the mobile device(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); activating the function when a first duration of pressing the first key exceeds a predefined period of time and no other key is pressed during the first duration within the predefined period of time(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17); and not activating the first function when a second duration of pressing the first key exceeds a predefined period of time and the second key is pressed during the second duration within the predefined period of time(e.g., see at least col. 2 line 54 – col. 3 line 13 and col. 5 line 50 – col. 6 line 17).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims **10- 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson US Patent No.: 2,214,583 in view of Well-Known Art.

Consider **claims 10, 11, and 12 and as applied to claim 9**, Martensson teaches the claimed invention except wherein the first key is a soft key, speed dial, or internet access key.

However, the Examiner takes official notice that the above mentioned keys are notoriously well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Martensson to include the above mentioned keys as a first key for the purpose of locking the phone. Martensson explicitly states in col. 5 lines 60-63 that any suitable pair of keys may be selected to enable the key lock.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/
Examiner, Art Unit 2617